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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,860	02/10/2006	Nobuaki Yagi	0408947392	5562
9629	7590	01/09/2007	EXAMINER	
MORGAN LEWIS & BOCKIUS LLP 1111 PENNSYLVANIA AVENUE NW WASHINGTON, DC 20004			LOW, LINDSAY M	
		ART UNIT	PAPER NUMBER	
		3721		

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/567,860	YAGI, NOBUAKI	
	Examiner	Art Unit	
	Lindsay M. Low	3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 10 February 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-5 is/are rejected.
- 7) Claim(s) 1-5 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 10 February 2006 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 2/10/2006.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application
- 6) Other: _____.

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d).

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the shifted phases of the first and second sector-shaped cams in claim 4 and the shifted timing of the stepped portion of the cams in claim 5 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New

Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because it is replete with grammatical errors. For example, the phrase "lock mechanism of stapler" is stated throughout the disclosure (including the title and claims) and should be "lock mechanism of a stapler." In addition, the phrase "a plenty of energy" on page 2 should just be "plenty of energy," the phrase "which press a table" on page 5 should be "which presses a table," the phrase "all the table lock mechanism" on page 5 should just be "the table lock mechanism," the phrase "does not simultaneously rotates" on page 9 should be "does not simultaneously rotate," and the phrase "clinch lever 26 rotate" on page 10 should be "clinch lever 26 rotates"

Appropriate correction is required.

Claim Objections

4. Claims 1-5 are objected to because of the following informalities: the phrase "lock mechanism of stapler" should be "lock mechanism of a stapler." In addition, claim 2 states "an stepped portion" and should be "a stepped portion." Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 4 and 5 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. It is unclear as to how the first and second sector shaped cams can rotate at shifted phases or at shifted timing when both clincher mechanisms (one for each cam) are connected to the same table that holds the movable clincher.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 3-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear as to what is meant by the terms "the same phase" and phases that are shifted. In addition, it is unclear as to what is meant by "shifted timing." It is difficult to understand to what respect the two clinch cams are shifted and there does not seem to be an advantage of doing so. In addition the disclosure does not mention a clinching mechanism being on both sides of the stapler therefore there does not seem to be a need for a second clinch cam.

Claim 5 recites the limitation "clinch levers." There is insufficient antecedent basis for this limitation in the claim. None of the claims that claim 5 depends on describes more than one clinch lever.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Mochizuki et al (WO 02/18112. See the US equivalent 7,014,084 B2).

Mochizuki discloses the same invention including a table link 42 rotatably provided in a base, a paper pressing table 30 provided on the table link 42, a movable clincher 31 provided on the end of the table 30, a fixing pin 43 on the side of the table link 42, a sliding fixing plate 61 that slides as it rotates around pin 43, a driver 50 that drives a staple through sheets of paper, a clincher link 41, a clincher lever (col. 2 lines 1-11 and Fig. 10), and a pressure reducing mechanism (col. 1 lines 43-53 and Fig. 10).

11. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Udagawa et al (5,791,543).

Udagawa discloses the same invention including a table link 152 rotatably provided in a base, a paper-pressing table 100 attached to the table link 152, movable clinchers 401 and 402, a fixing pin 151 on a side surface of the table link 152, a fixing

plate 152A that is slidable with respect to the fixing pin 151, a driver 321 to drive the staples into paper by pressing against the table 100, clincher links 410 and 411 that rotate to move the clinchers 401 and 402, clinch levers 431 that rotate downward to press the clincher links 410 and 411, and a pressure reducing mechanism (shown in Fig. 22) to reduce the pressure by the clinch levers 431. The pressure reducing mechanism includes a sector shaped cam 514 where the periphery of it is engaged with the clinch lever 431. The sector shaped cam 514 has a stepped portion formed on its periphery as shown in Fig. 22. As the cam is engaged with the clinch levers 431, the pressure is reduced on the clincher links 410 and 411,

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Udagawa et al (5,791,543).

Udagawa discloses the same invention substantially as claimed except for there being two clinch cams rotating together at the same phase. However, the examiner takes Official Notice of the well-known use of providing a lever/linkage mechanism with its own cam as opposed to one cam controlling more than one mechanism at the same

time. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided another clinch cam to Udagawa's stapler so that each clinch mechanism (both can be seen in Fig. 23) can be moved with its own cam and rotated together to clinch the staple.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Kitamura, Ura, Ishizaki, Manabe, Fujimaki, Hakozaki et al (921), Hakozaki et al (640), Kanai et al, Tsai, and Yagi are cited to show similar inventions.
15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lindsay M. Low whose telephone number is 571-272-1196. The examiner can normally be reached on Monday thru Friday 7:30 to 5:00.
16. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3721

17. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LML



12/27/2006



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